

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 13-3087-CR-JFM
)	
DANIEL KEVIN TALBURT,)	
)	
Defendant.)	
)	

REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

This matter comes before the Court on the issue of the defendant's competency to stand trial. On September 10, 2013, at the request of the defendant, the Court ordered a psychological evaluation. Lea Ann Preston Baecht, Ph.D, Forensic Psychologist at the United States Medical Center for Federal Prisoners, evaluated the defendant between October 29, 2013, and January 22, 2014. Her report was submitted to the Court on January 30, 2014. The undersigned held a hearing on February 25, 2014, on the question whether 1) defendant is competent to stand trial pursuant to 18 U.S.C. § 4241, and (2) at the time of the alleged offense, the defendant was able to appreciate the nature and quality of the wrongfulness of his acts, pursuant to 18 U.S.C. §4242. Defendant appeared in person with counsel. No evidence was presented, other than the report of Dr. Preston Baecht, which already appeared in the record.

After thorough evaluation, Dr. Preston Baecht opined that the defendant is competent to proceed. She continued,

He understands the nature and potential consequences of the proceedings against him. He is able to assist his attorney in his defense. He is able to behave appropriately in the courtroom and consider information rationally and logically.

Although Mr. Talburt continues to endorse some symptoms of depression, his symptoms are not so severe as to impede on his competency to proceed with his case.

Regarding his mental state at the time of the alleged offense, Dr. Preston Baecht opined that Talburt “did not exhibit symptoms of a major mental illness which would have precluded his ability to appreciate the nature and quality or the wrongfulness of his actions.”

Based upon the opinion of Dr. Preston Baecht, which was the only evidence before the Court on the question of competency, the undersigned respectfully **RECOMMENDS** that Defendant Daniel Kevin Talburt be declared competent to stand trial and be declared to have been capable of appreciating the nature and quality of the wrongfulness of his acts.

IT IS SO ORDERED.

DATED: February 28, 2014

/s/ *David P. Rush*
DAVID P. RUSH
United States Magistrate Judge